

## **EXHIBIT D**

3/26

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE,

)

)

)

v.

WITNESSING IN COURT IN 03060175-77

For professional use by authorized persons only--not to be duplicated or released to others. I.D. # 0305016966

JIMMY LEWIS,

Defendant.

)

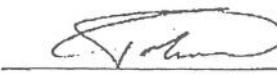
)

O R D E R

AND NOW, TO WIT, this 1st day of December,

A.D., 2003, the foregoing Motion having been heard and considered, it is hereby;

ORDERED that Jimmy Lewis, the defendant, be transferred to the Delaware State Hospital for psychiatric evaluation for the purpose of determining competency, and to obtain treatment for his own well-being. As soon as Delaware State Hospital notifies Gander Hill of an available opening, Jimmy Lewis is to be transported and evaluated.

  
JUDGE

00008

A-34

## **EXHIBIT E**

Department of Health and Social Services  
 Division of Mental Health  
 Delaware Psychiatric Center

~~CONFIDENTIAL INFORMATION~~

Release Summary

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LEWIS, JIMMY 12 25  
 16442 \*NK M AF D  
 WARK NJ 07112  
 MELBA JEAN LEWIS MOTHER AREA 5  
 05 21

MAY 21, 2004  
 Date of Admission

JUNE 25, 2004  
 Date of Discharge

DIRECT DISCHARGE  
 Disposition

IDENTIFYING DATA: This 37 year old black, divorced male was admitted to Delaware Psychiatric Center for his first admission on a court commitment on May 21, 2004.

CHIEF COMPLAINT: Patient refused to speak upon admission. He was selectively mute.

HISTORY OF PRESENT ILLNESS: Mr. Lewis had been jailed at Gander Hill for several months prior to his admission to the Mitchell Building. He had been evaluated by the prison psychiatrist and found to be, "psychotic and delusional, a danger to self and others, refusing to take medication". He had assaulted a CO and was transferred to the infirmary. Patient reported at the time, "I can't distinguish between right and wrong; I'm hearing voices telling me to hurt myself and I'm seeing shadows". He had been incarcerated on 11/17/03 for Car Jacking 2<sup>nd</sup> Degree, Theft \$1000 or Greater and Resisting Arrest.

On 5/26/03, he was picked up by a male driver who was allegedly out looking for a male companion for the evening. Mr. Lewis allegedly attempted to rob the driver, at which point the driver jumped out of the vehicle in fear and Mr. Lewis allegedly drove off with the car. Mr. Lewis allegedly resisted arrest when caught, and was identified by the driver of the car as the person who had stolen his vehicle.

The examiners at First Correctional Medical, while he was in prison, described Mr. Lewis as, "flirtatious at times, requiring redirection for asking personal questions of mental health personnel". He was confronted with his, "narcissism and attention seeking behaviors". The CO questioned the diagnosis of Schizophrenia which had been given to

Cont...

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DISCHARGE SUMMARY  
LEWIS, JIMMY  
HOSPITAL #46443

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him by the prison doctor. Mr. Lewis refused all medications, requesting only Xanax and Valium. He also asked for art materials and pornography, stating, "that would be very helpful". The CO's described him as, "with broad mood and good eye contact with no suicidal or homicidal ideation and no alteration in perception". He was, however, argumentative and loud. He was observed wearing paper horns, saying that the horns made him feel more comfortable. "It helps me deal with what I'm going through. It's like a mask; if I deal with these things within me, I'll be a better person. I'm being unjustly accused." During his time in prison, he was calm and controlled and spoke of hearing voices but stated, "I don't know whether it's voices or just my thoughts".

PAST PSYCHIATRIC AND FAMILY HISTORY: Mr. Lewis stated that he had been seen at Crisis a few times but was never an inpatient at a psychiatric hospital. He said he went to Crisis for having hallucinations, hopeless feelings and suicidal thoughts.

He had been an outpatient as a child in New Jersey but did not know why.

ALCOHOL AND DRUG HISTORY: Mr. Lewis reported that he began drinking alcohol in his teens with his last use just prior to incarceration. He had history of blackouts, but did not elaborate. He denied heavy use. He also admitted to smoking marijuana 16 years previously but denied all other illicit drug use. It was considered probable that he was minimizing his addiction issues.

MENTAL STATUS AT TIME OF ADMISSION: The mental status was obtained four days after admission as Mr. Lewis refused to answer any questions upon admission and just sat staring at the floor. Four days after admission, his mood was stated as sensitive and easily irritated. His affect was constricted. Thought content revealed negative thoughts about himself. He stated that he felt hopeless and helpless to make himself feel any better. He said he was having both auditory and visual hallucinations but only at night when he was upset. He said that he was having current suicidal thoughts. "I was thinking about it, but I didn't really want to do it." He was not having any current violent thoughts. "I was just upset with the guy that attacked me and the CO's blamed me." He denied obsessions, compulsions, paranoid, delusions, special powers, hyperreligiosity and grandiosity. "I'm not on the defensive unless there's a reason." Thought process was normal and there was no evidence of loosening of associations, flight of ideas or tangentiality. Sensorium was alert and he was oriented in three spheres. His immediate memory was intact as he remembered 3/3 objects immediately and 2/3 objects after five minutes. He was able to spell the word "world" backwards but only got the current president. He assessed the similarities between an apple and an orange, as "you eat

Cont...

DISCHARGE SUMMARY  
LEWIS, JIMMY  
HOSPITAL #46443

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PAGE 3

them". He was unable to give an answer to the glass house proverb. Insight and judgment were considered average to poor and his fund of knowledge poor. Intellectual functioning was considered average.

MEDICAL HISTORY AND PHYSICAL EXAMINATION: The patient complained of having irritable bowel syndrome and hypertension.

LABORATORY DATA AND OTHER DIAGNOSTIC EXAMS: Mr. Lewis complained of some urinary frequency during the admission and a urology consult was written. However, he was discharged before being evaluated. He was treated with Bactrim during the admission with resolution of the symptoms. However, as he had complained of these urinary tract symptoms frequently in the past, he was to undergo a urology consult which did not happen, as stated above. Mr. Lewis was treated for hypertension throughout the admission with good results.

Urinalysis revealed a 1+ protein and 1+ bilirubin. However, the urine C&S revealed no growth. The medical doctor wrote no evidence of the urinary tract infection. The CBC and differential and the comprehensive metabolic panel were completely unremarkable. The hepatic function panel and the thyroid function studies with TSH were all normal. Vitamin B12 and folate levels were normal and the RPR was nonreactive.

PROVISIONAL CLINICAL DIAGNOSIS: Axis I: Alcohol Abuse. Rule out Dependence. Rule out Depressive Disorder. Rule out Malingering. Axis II: Deferred. Axis III: Hypertension. Axis IV: Severity of Psychosocial Stressors: Legal. Axis V: Global Assessment of Functioning: Current GAF - 20. Highest Level Last Year - Unknown.

SUMMARY OF CLINICAL COURSE: Mr. Lewis was verbally unresponsive, selective mute and categorically refused to answer any questions on the day of admission. He also refused the initial physical examination. Later the same day, he was observed interacting in a normal manner on the unit. Several days later, the initial examinations were completed without problem. He eventually explained that he had not felt like speaking on the first day, and therefore simply did not.

Mr. Lewis' hospital course was complicated by his aggressive, assaultive behavior. He was overheard making physical threats and observed taunting and laughing at peers, apparently taking pleasure in embarrassing them. He was sexually inappropriate, seductive and flirtatious with certain female staff members. He complained of hearing

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DISCHARGE SUMMARY  
 LEWIS, JIMMY  
 HOSPITAL #46443

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voices sporadically but displayed no evidence of preoccupation with internal stimuli when he believed he was not being observed.

The team psychologist described Mr. Lewis in the following manner in his anger management group: arrogant, disruptive and instigating. While the other older patients tried to have a calming influence, Mr. Lewis displayed no sense of boundaries or respect for authority. The psychologist added that there was nothing odd or bizarre about his behavior that would suggest a psychotic disorder. Other therapists noted that he was disruptive in the group setting, talking out of turn and making obscene comments while watching educational videos. When evaluated by the team, he made it clear that he would rather be at DPC than in jail in order to, "get some help". When asked what help he needed or what we could do for him, he answered he didn't know.

One staff member stated that she found Mr. Lewis to be engaging, intelligent and articulate, but noted his sense of entitlement and his demands that things be done his way. Mr. Lewis stated that he needed to do "outlandish things" to get attention, such as wearing paper horns and wearing his cat's eye lenses. It was explained to him that he would not be allowed to wear his paper horns at any time while at DPC, after he had placed them on his head at one point. He understood, and did not attempt to wear them again. He was noted to attempt to intimidate one female therapist by chasing her in the hallway and stating, "I just want to get my point across that whatever you said about me in team meeting was wrong and derogatory".

On 6/7/04, a special meeting with Mr. Lewis was called to address his grossly inappropriate behavior on the unit the night before. He was angered by not receiving a certain salad at dinner to which he believed he was entitled, and assaulted a peer and a staff member, escalating to the point where he was difficult to redirect. In summary, he was noted to be disruptive in the group setting, to taunt his peers, to intimidate and flirt with therapists and to make obscene comments. There were reports to the contrary by other staff members who reported that Mr. Lewis was cooperative and helpful in the milieu, tending to get loud and demanding at times when he felt his needs were not being met in a timely fashion.

Initially, Mr. Lewis was prescribed no psychotropic medication, as there was no evidence of a mood disorder and no evidence of psychosis. However, Seroquel was begun after it became evident that Mr. Lewis had difficulty managing his anger and controlling his impulses.

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DISCHARGE SUMMARY  
LEWIS, JIMMY  
HOSPITAL #46443

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FINAL CLINICAL DIAGNOSIS:

AXIS I: MALINGERING. CODE NO. V65.2  
ALCOHOL ABUSE. CODE NO. 305.00  
HISTORY OF CONDUCT DISORDER.

AXIS II: ANTI SOCIAL PERSONALITY DISORDER. CODE NO. 301.7

AXIS III: HYPERTENSION. CODE NO. 401.9

AXIS IV: SEVERITY OF PSYCHOSOCIAL STRESSORS: INCARCERATION.

AXIS V: GLOBAL ASSESSMENT OF FUNCTIONING: CURRENT GAF - 50  
WITH SEVERE IMPAIRMENT IN SOCIAL AND OCCUPATIONAL  
FUNCTIONING.

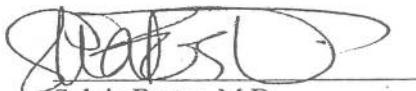
HIGHEST LEVEL LAST YEAR - UNKNOWN.

CONDITION ON RELEASE: Mr. Lewis displayed no evidence of psychosis, depression or mania. He was still having difficulty with limit setting and boundaries, especially with respect to the rights of others. It was felt that he had not benefited from a psychiatric admission and had not been engageable in therapies. He was having no suicidal and no homicidal ideation and no auditory or visual hallucinations. He admitted during the admission that the "voices" he had been hearing were his thoughts. Mr. Lewis was considered highly manipulative and he would stop at nothing to obtain his demands.

MEDICATION ON RELEASE: Seroquel 50 mgs q 12 hours for anger management and impulse control. Tenormin 25 mgs q a.m. for hypertension. Mr. Lewis was on a lactose intolerance diet and there were no special restrictions on his physical activity.

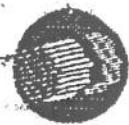
PROGNOSIS: Guarded to poor as Mr. Lewis was considered threatening and dangerous to others.

RELEASE NOTE AND AFTERCARE PLAN: Mr. Lewis was returned to the care of Department of Corrections with Gerry Greg as a contact person; 995-8614. Mr. Lewis needs daytime socialization activities. Anticipated problems are that he may not be compliant with clinic appointments, may encounter legal difficulties, may encounter family problems and may return to using alcohol or drugs.

  
Sylvia Foster, M.D.  
Staff Psychiatrist

Dict. 07/26/04  
Typed 07/29/04  
SF/gaf

## **EXHIBIT F**

DELAWARE PSYCHIATRIC CENTER  
INCIDENT REPORT

NEWS, JIM

12/25/

K H AF U

NJ 07112

MELBA JEAN LEWIS MOTH AREA 5

05/21/2004

medication errors, ADR's, PM46

(\*Indicates items requiring additional information/supplemental forms- Carvel ONLY)

Name: \_\_\_\_\_

Date of Incident: 05/21/04Time of Incident: 8:10 AM PM**STATUS** Patient  Employee  Visitor  N/A**UNIT**

|  |                                 |                                   |
|--|---------------------------------|-----------------------------------|
| <input type="checkbox"/> Carvel-UL           | <input type="checkbox"/> Kent-1 | <input type="checkbox"/> Sussex-1 |
| <input type="checkbox"/> Carvel-LL           | <input type="checkbox"/> Kent-2 | <input type="checkbox"/> Sussex-2 |
| <input checked="" type="checkbox"/> Mitchell | <input type="checkbox"/> Kent-3 | <input type="checkbox"/> Sussex-3 |

**LOCATION**

|                                   |                                      |   |                                       |
|-----------------------------------|--------------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Bathroom | <input type="checkbox"/> Bedroom     | <input checked="" type="checkbox"/> Hallway | <input type="checkbox"/> Canteen      |
| <input type="checkbox"/> Dayroom  | <input type="checkbox"/> Cafeteria   | <input type="checkbox"/> TX Mall            | <input type="checkbox"/> Court yard   |
| <input type="checkbox"/> Grounds  | <input type="checkbox"/> Gym         | <input type="checkbox"/> Office             | <input type="checkbox"/> Admissions   |
| <input type="checkbox"/> Stairs   | <input type="checkbox"/> Off Grounds | <input type="checkbox"/> Clinic             | <input type="checkbox"/> Workshop     |
| <input type="checkbox"/> Rec Area | <input type="checkbox"/> Nsg Station | <input type="checkbox"/> Pool               | <input type="checkbox"/> Other: _____ |

**TYPE OF INCIDENT**

|  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Patient-Patient Aggression | <input type="checkbox"/> Injury Unknown Origin**  | <input type="checkbox"/> Dietary Related      |
| <input type="checkbox"/> Patient-Staff Aggression              | <input type="checkbox"/> Equipment Related        | <input type="checkbox"/> Unsafe Practice      |
| <input type="checkbox"/> Patient-Visitor Aggression            | <input type="checkbox"/> Accidental Injury        | <input type="checkbox"/> Unsafe Condition     |
| <input type="checkbox"/> Patient-Object Aggression             | <input type="checkbox"/> Slip/Fall                | <input type="checkbox"/> Property Damage/Loss |
| <input type="checkbox"/> Patient-Self Aggression               | <input type="checkbox"/> Ingestion/Inhalation     | <input type="checkbox"/> Fire                 |
| <input type="checkbox"/> Suicide Attempt                       | <input type="checkbox"/> Choking/Aspiration       | <input type="checkbox"/> Contraband           |
| <input type="checkbox"/> Death                                 | <input type="checkbox"/> Sexual Assault/Encounter | <input type="checkbox"/> Other: _____         |

**PRECAUTIONS**

(Refers to Precautionary level at the time of the incident - NOT a result of the incident)

|  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Routine               | <input type="checkbox"/> Q15        |
| <input type="checkbox"/> 1:1                   | <input type="checkbox"/> Seclusion  |
| <input type="checkbox"/> Restraint             | <input type="checkbox"/> Locked Pod |
| <input type="checkbox"/> Code (Specify): _____ |                                     |
| <input type="checkbox"/> Other: _____          |                                     |

**DESCRIPTION OF INCIDENT** (Include immediate actions taken. Utilize the reverse if more space is necessary)

I didn't see nothing - Patients were talking about a cassette tape and began to argue. MR. \_\_\_\_\_ stopped arguing and said forget it. MR. \_\_\_\_\_ turned and attempted to walk towards the attendants stating that when Mr. Lewis came from his room behind me and punched him in the right side of

Witnesses Present: Mike Erickson - James DanielsReporter's Signature: Mike JonesDate: 05/21/04Time: 8:15

AM/PM

**NOTIFICATIONS** (To be initiated by Nurse in Charge of (non-nursing) Supervisor (if notified))

|  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Physician             | <input type="checkbox"/> Nursing Supervisor       | <input type="checkbox"/> Security        | <input type="checkbox"/> Safety Officer |
| <input type="checkbox"/> Hospital Director/AOC | <input checked="" type="checkbox"/> Unit Director | <input type="checkbox"/> Social Services | <input type="checkbox"/> Other: _____   |

**PHYSICIAN'S REPORT** (If medical care was necessary, please specify findings and treatment)

At first and her pd on her lower jaw on both sides on exam  
Mr Lewis has no injuries

**SEVERITY OF INJURY**

(Completed by MD following examination)

No Apparent Injury/Potential Injury

 Minor (Bruises, sprains, welts, etc. requiring first aid or less)  Major\*\* (Fractures, lacerations requiring sutures, internal injury, etc. requiring more than first aid)Physician's Signature: BRIKKA MDDate: 6/21/04 Time: 9:10

AM/PM

DLTCRP\*\* (Carvel Patients)

Date DLTCRP Notified: 1/1Via:  FAX  Phone

FAX COPY TO RISK MGR. IMMEDIATELY (4256)

TIME FAXED TO RISK MGR: 11:45 AM/PMFamily/Guardian Notified?  YES  NO Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM / PM Relationship: \_\_\_\_\_ By Whom: \_\_\_\_\_Nurse In Charge/Supervisor's Signature: Helen Shuler RN Date: 6/21/04 Time: 11:45 AM/PM**SUPERVISOR'S REVIEW** (Findings, actions, recommendations)

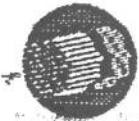
He refused to be taped for evaluation any

Supervisor's Signature: Dal Seale Date: 6/21/04 Time: 11:45 AM/PM**UNIT DIRECTOR/TREATMENT TEAM REVIEW** (Findings, actions, recommendations)

Both sides progress good day not stuck to anything

Unit Director's Signature: D. Staelens Date: 6/22/04 Time: 11:45 AM/PM

FORWARD ORIGINAL REPORT TO CLINICAL RISK MANAGER (DPP) WITHIN 2 WORKING DAYS


**DELAWARE PS. MENTAL HEALTH CENTER**  
**INCIDENT REPORT**

Please utilize special forms for staff injuries, unauthorized absence, medication errors, ADR's, PM46

\*\*Indicates items requiring additional information/supplemental forms- Carvel ONLY

 Name: Lewis, Jimmy
**STATUS**
 Patient  Employee  Visitor  N/A

**UNIT**

|  |                                 |                                   |
|--|---------------------------------|-----------------------------------|
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| <input type="checkbox"/> Carvel-LL           | <input type="checkbox"/> Kent-2 | <input type="checkbox"/> Sussex-2 |
| <input checked="" type="checkbox"/> Mitchell | <input type="checkbox"/> Kent-3 | <input type="checkbox"/> Sussex-3 |

Date of Incident:

**LOCATION**

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| <input type="checkbox"/> Dayroom  | <input type="checkbox"/> Cafeteria   | <input type="checkbox"/> TX Mall | <input type="checkbox"/> Court yard |
| <input type="checkbox"/> Grounds  | <input type="checkbox"/> Gym         | <input type="checkbox"/> Office  | <input type="checkbox"/> Admissions |
| <input type="checkbox"/> Stairs   | <input type="checkbox"/> Off Grounds | <input type="checkbox"/> Clinic  | <input type="checkbox"/> Workshop   |
| <input type="checkbox"/> Rec Area | <input type="checkbox"/> Nsg Station | <input type="checkbox"/> Pool    | <input type="checkbox"/> Other      |

05/21/2004

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NEWARK NJ 07112

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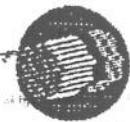
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05/21/2004



# DELAWARE PSYCHIATRIC CENTER

## INCIDENT REPORT

Please utilize special forms for staff injuries, unauthorized absence, medication errors, ADR's, PM46.

(\*Indicates items requiring additional information/supplemental forms- Carvel ONLY)

Name: Jeanie T

### STATUS

Patient  Employee  Visitor  N/A

### UNIT

Carvel-UL  Kent-1  Sussex-1  
 Carvel-LL  Kent-2  Sussex-2  
 Mitchell  Kent-3  Sussex-3

### TYPE OF INCIDENT

Patient-Patient Aggression  Injury Unknown Origin\*\*  
 Patient-Staff Aggression  Equipment Related  
 Patient-Visitor Aggression  Accidental Injury  
 Patient-Object Aggression  Slip/Fall  
 Patient-Self Aggression  Ingestion/Inhalation  
 Suicide Attempt  Choking/Aspiration  
 Death  Sexual Assault/Encounter

Date of Incident: 6/24/04 Time of Incident: 12:30 AM / PM

### LOCATION

Bathroom  Bedroom  Hallway  Canteen  
 Dayroom  Cafeteria  TX Mall  Court yard  
 Grounds  Gym  Office  Admissions  
 Stairs  Off Grounds  Clinic  Workshop  
 Rec Area  Nsg Station  Pool  Other: \_\_\_\_\_

### PRECAUTIONS

**RECEIVED** (Refers to Precautionary level at the time of the incident - NOT a result of the incident)  
**PLANNING DEPARTMENT**  
 Routine  Q15  
 1:1  Seclusion  
 Restraint  Locked Pod  
 Code (Specify): \_\_\_\_\_  
 Other: \_\_\_\_\_

### DESCRIPTION OF INCIDENT

(Include immediate actions taken. Utilize the reverse if more space is necessary)

Pt. threw his lunch tray on floor x2 3 provocations. Pt. threatening staff, moving towards staff - not following verbal direction given by staff.

### Witnesses Present:

Reporter's Signature: Madeline Jeanie

Date: 6/24/04 Time: 12:30 AM / PM

### NOTIFICATIONS

To be initiated by Nurse in Charge or (non-nursing) Supervisor (if notified)

Physician  Nursing Supervisor  Security  Safety Officer  
 Hospital Director/AOC  Unit Director  Social Services  Other: \_\_\_\_\_

### PHYSICIAN'S REPORT

(If medical care was necessary, please specify findings and treatment)

Pt. on 4 point restraint because of aggressive behavior. He did not hurt anybody. neither himself

### SEVERITY OF INJURY

(Completed by MD following examination)

No Apparent Injury/Potential Injury

Minor (Bruises, sprains, welts, etc. requiring first aid or less)  Major\*\* (Fractures, lacerations requiring sutures, internal injury, etc. requiring more than first aid)

Physician's Signature: COCCHIELLA M. D

Date: 6/24/04 Time: 2:35 AM / PM

Via:  FAX  Phone

DLTCRP\*\* (Carvel Patients)

Date DLTCRP Notified: 1/1/04

**FAX COPY TO RISK MGR. IMMEDIATELY (4256) TIME FAXED TO RISK MGR: \_\_\_\_\_ AM/PM**

Family/Guardian Notified?  YES  NO Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM / PM Relationship: \_\_\_\_\_ By Whom: \_\_\_\_\_

Nurse in Charge/Supervisor's Signature: Madeline Jeanie Date: 6/24/04 Time: 12:30 AM / PM

### SUPERVISOR'S REVIEW

(Findings, actions, recommendations)

Pt in seclusion 4 pm in room 208.

Supervisor's Signature: Carla C. Dorn Date: 6/24/04 Time: 3pm AM / PM

### UNIT DIRECTOR/TREATMENT TEAM REVIEW

(Findings, actions, recommendations)

Threatening to coded to unit 208 placed in seclusion 30 to aggression

Unit Director's Signature: OSLackawon Date: 6/25 Time: \_\_\_\_\_

FORWARD ORIGINAL REPORT TO CLINICAL RISK MANAGER (DPP1) WITHIN 2 WORKING DAYS